

## Genocide is the word

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Up until recently I generally subscribed to the contention put forth by a California professor in recent news that the terms “genocide” and “Holocaust” best describe the systematic mass killings such as those carried out in Nazi death camps at Auschwitz-Birkenau, Buchenwald, Dachau and others, but not necessarily the massacres such as those at Washita, Sand Creek, and Wounded Knee.

Those attacks to me were barbarian and illegal – war crimes, most certainly – but did not collectively justify the description of genocide. This is not to say that I was not or am not horrified and even embittered by accounts of those massacres and the wanton slaughter of old men, women and infants.

Now, however, I must say that I was wrong. Genocide is the word.

I have been privileged to read a proof copy of a new book that will be published yet this year that fully justifies the use of the term genocide as it applies to the military actions against the Indians of the Plains; and certainly that justification can be extended to U.S actions throughout history and in all areas of the country.

The title of the book is [Law at Little Big Horn: Due Process Denied](#), by Charles E. Wright (Texas Tech University Press).

In his book, lawyer and historian Wright amply makes his case that throughout the Indian Wars genocide was the order of the day on the part of U.S. military forces. And, more often than not, it was authorized and sanctioned in the White House itself, and carried down the chain of command by generals considered the greatest in American history, including William T. Sherman and Phillip H. Sheridan.

Wright uses terms like racist, genocide and war crimes to describe the treatment of the First Nations and their tribal peoples by the United States because “due process” – that function without which there is no justice – was routinely denied them in the taking of their lands and property, forced removal from their homelands, the destruction of their livelihood, and the taking of their lives in unjustified and illegal military actions.

As to citizenship, it makes no difference that American Indians on the whole were not recognized as citizens of the United States until they were granted such in the so-called Snyder Act of 1924, they were guaranteed due process by virtue of their nativity, the fact that they were born here, as were their forebears from time immemorial.

This book is no syrupy “lo, the poor Indian” dissertation but a hard-nosed interpretation of law, and a solid case made of the U.S. military’s flouting of the laws articulated in treaties, in the Constitution, and in the military’s own General Orders 100 which forbids “cruelty and bad faith,” and recognizes the rights of the vanquished to the protection of persons, especially women, and prohibits, under penalty of death, “all wanton violence committed against persons of the invaded country, all destruction of property not commanded by the authorized officer, all robbery, pillage, or sacking, and all wounding, maiming, or killing of such inhabitants.”

Replete with original maps and excellent graphics, Law at Little Bighorn is a thorough military assessment of the Custer battle and the actions leading up to the battle and following it. And it is



the finest moral summation I have ever read of the injustices of the Indian Wars, and, by extension, of U.S. attitudes and relations with all Indian tribes and their citizens.

With passion and clarity, Wright shows the reader that Indian policy, especially that of the late 19th Century, was not built on bedrock of law that is the Fifth Amendment of the Constitution, and that the Indian wars were engaged in the sands of a legal desert that absorbed the blood of genocide and left faint trace for accountability and justice.

Law at Little Bighorn is a thoroughly researched and powerfully presented work of history that all scholars of American Indian history – especially Indian scholars – will appreciate. For those who rightly maintain that U.S. history is essentially a lie without including the ugly truth of genocide against the first Nations of the land, this book is a seminal work and, hopefully, the beginning of the truth, long withheld.

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